

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

OTIS LEE RODGERS,

Plaintiff,

v.

Case No. 2:15-cv-2754
Judge Frost
Magistrate Judge King

SOLANO COUNTY COURTS, *et al.*,

Defendants.

ORDER

On August 26, 2015, the United States Magistrate Judge recommended that plaintiff's claims under 42 U.S.C. § 1983 be dismissed for lack of subject matter jurisdiction and for failure to state a claim for relief, and that plaintiff's motions for interim injunctive relief, *Motion*, ECF No. 1; *Motion*, ECF No. 5, be **DENIED**. *Report and Recommendation*, ECF No. 8. The Magistrate Judge further recommended that, should plaintiff decide to pursue a claim for habeas corpus relief under 28 U.S.C. § 2241 or 28 U.S.C. § 2254, he be required to file a petition for a writ of habeas corpus. *Id.* Although plaintiff was advised of his right to object to that recommendation and of the consequences of his failure to do so, there has been no objection.

The *Report and Recommendation*, ECF No. 8, is **ADOPTED AND AFFIRMED**. Plaintiff's claims under 42 U.S.C. § 1983 are **DISMISSED** for lack of subject matter jurisdiction and for failure to state a claim for relief. Plaintiff's motions for interim injunctive relief, *Motion*,

ECF No. 1; *Motion*, ECF No. 5, are **DENIED**.

If plaintiff intends to pursue, in this action, habeas corpus claims under 28 U.S.C. §§ 2241, 2254, he shall file a petition for a writ of habeas corpus, and address the issue of exhaustion, within thirty (30) days of the date of this *Order*. His failure to do so will result in the dismissal of this action for want of prosecution.

As noted by the Magistrate Judge, the Court will defer consideration of plaintiff's motion to proceed *in forma pauperis*, *Motion*, ECF No. 2, until it appears that plaintiff intends to pursue habeas corpus claims in this action.

/s/ GREGORY L. FROST
Gregory L. Frost
United States District Judge